

Town of Amenia  
State of New York  
Local Law No. \_\_\_\_ of 2018

**A LOCAL LAW TO AMEND LOCAL LAW 2 OF 2007, CHAPTER 121 OF THE TOWN  
CODE OF THE TOWN OF AMENIA**

**BE IT ENACTED** by the Town Board of the Town of Amenia as follows:

**Section 1. Title of Local Law.**

This Local Law shall be entitled “A Local Law to Amend Local Law No. 2 of 2007, Chapter 121 of the Town Code of the Town of Amenia.”

**Section 2. Authorization.**

This Local Law to amend Local Law No. 2 of 2007, Chapter 121 of the Town Code of the Town of Amenia, is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and New York State Town Law Sections 264 and 265.

**Section 3. Purpose.**

It shall be the purpose and intent of this Local Law to ensure consistency with the Town of Amenia’s noise regulations, which are included in Chapter 80 of the Town of Amenia Town Code (the “Town Code”), as amended, and which regulates “unreasonable noise” on properties in the Town of Amenia. It shall be the declared policy of the Town to prevent excessive, unnecessary or unusually loud noises.

Further, it is the purpose and intent of this Local Law to mitigate certain vehicular and pedestrian safety impacts that result from the placement of timber and wood related materials and equipment in the front yards of commercial and residential properties, creating a site distance concern for motor vehicles entering and/or using public roads within the Town of Amenia. Accordingly, this Local Law provides a requirement that all timber and wood processing materials and equipment (commercial and residential) are not placed in the front yards of property unless adequate site distances are provided.

It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Amenia and its inhabitants.

**Section 4. Amendment.**

The Town Board of the Town of Amenia hereby amends Chapter 121 [Zoning], Article VII [Supplementary Regulations], Section 40(C)[Environmental Performance Standards, Noise] of the Town of Amenia Town Code by deleting the text of Section C in its entirety and replacing it with the following:

C. Noise. No noises shall be emitted in violation of Chapter 80 of the Amenia Town Code.

~~C. Noise. No noises shall be emitted in violation of Chapter 80 of the Amenia Town Code. In addition, the following specific standards apply to noise.~~

~~(1) Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through a sound-level meter having an A-weighted filter and constructed in accordance with specifications of the American National Standards Institute or other generally accepted standard for the measurement of sound.~~

~~(2) No person, firm or corporation shall allow the emission of sound which, as measured at the property lines, has a sound level in excess of:~~

~~(a) Sixty decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m.; and~~

~~(b) Fifty decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.~~

## **Section 5. Amendment.**

The Town Board of the Town of Amenia hereby amends Chapter 121 [Zoning], Article VII [Supplementary Regulations], Section 47 [Timber Harvesting] of the Town of Amenia Town Code by adding certain text noted below as sub-section (B):

- A. Timber harvesting shall be permitted by right subject to site plan review in all districts. The site plan submission requirements may be satisfied by presenting a forest management plan from a qualified professional forester, which shall be reviewed by a consulting forester retained by the Town at the applicant's expense. All timber harvesting plans shall comply with best management practices established by the New York State Department of Environmental Conservation and with the Scenic Protection Overlay District, if applicable. The Planning Board shall waive all site plan application and approval requirements that are not relevant to forest management and timber harvesting. The Planning Board shall not waive the requirement of performance guarantees necessary to ensure proper erosion control, stormwater management, reforestation, maintenance of on-site roads, and protection of off-site roads from damage resulting from timber harvesting, stormwater runoff, and trucking of timber.
- B. Site Distance. All timber or wood materials or equipment, including but limited to logs, processed wood, scrap wood, stumps, wood splitters/chippers, skidders, harvesters, heavy machinery, trucks or other related vehicles, machinery and equipment, if located in the front yard, shall provide adequate site distance to allow for vehicles and pedestrians to safely access and exit the property from and onto public roads. Adequate site distance shall be demonstrated by an unobstructed and clear view of the intersection and the approaching roadway, in both directions, of sufficient lengths to permit a driver to anticipate and avoid potential collisions. Adequate site distance shall be determined by

the Town of Armenia Code Enforcement Officer in accordance with acceptable traffic technical safety standards.

**Section 6. Amendment**

The Town Board of the Town of Armenia hereby amends Chapter 121 [Zoning], Article VII [Supplementary Regulations], Section 30 [Supplementary Dimensional Regulations], Subsection F [Setbacks for Accessory Structures and Uses] of the Town of Armenia Town Code by adding certain text noted below as sub-Section (4):

- (4) All timber and wood materials or equipment, including but limited to logs, processed wood, scrap wood, stumps, wood splitters/chippers, skidders, harvesters, heavy machinery, trucks or other related vehicles, machinery and equipment, if located in the front yard, shall provide adequate site distance to allow for vehicles to safely access and exit the property from and onto public roads. Adequate site distance shall be demonstrated by an unobstructed and clear view of the intersection and the approaching roadway, in both directions, of sufficient lengths to permit a driver to anticipate and avoid potential collisions. Adequate site distance shall be determined by the Town of Armenia Code Enforcement Officer in accordance with acceptable traffic safety technical standards.

**Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any individual, firm or corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 8. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.